

MINUTES OF HARRISONBURG PLANNING COMMISSION

August 12, 2020

The Harrisonburg Planning Commission held its regular meeting on Wednesday, August 12, 2020 at 6:00 p.m.

Members present by electronic, video communication: Brent Finnegan Vice-Chair; Jim Orndoff; Deb Fitzgerald; Adriel Byrd; Kathy Whitten; Sal Romero; and Gil Colman, Chair.

Also present: Thanh Dang, Assistant Director of Community Development; Alison Banks, Senior Planner; and Nyrma Soffel, Acting Office Manager/Secretary.

Chair Colman called the meeting to order and said that there was a quorum with all members present. This meeting will be held as an electronic meeting due to the emergency and disaster represented by the spread of COVID-19. This meeting will be conducted by the following electronic communication means: electronically through GoToMeeting and Granicus. The public had the opportunity to provide comments in advance via email and will have the opportunity to provide comments by phone at designated times during this meeting. Because calls are taken in the order that they are received, we ask that the public not call the comment line until the item you are interested in is being presented or discussed.

Chair Colman asked if there were any corrections, comments or a motion regarding the July 8, 2020 Planning Commission minutes.

Commissioner Finnegan moved to approve the July 8, 2020 Planning Commission meeting minutes.

Commissioner Whitten seconded the motion.

The motion to approve the July 8, 2020 Planning Commission minutes passed (5-0), with Commissioners Byrd and Fitzgerald abstaining.

New Business – Public Hearings

Chair Colman said that the Virginia State and Local Government Conflict of Interests Act requires that I make disclosure, to be recorded in the City records, in any matter in which I choose not to participate. Therefore, I make the following disclosure: I choose not to participate on this matter due to my professional involvement in the next two items, 4a and 4b on the New Business agenda. I pass the virtual gavel to Vice-Chair Finnegan.

Consider a request from GC LLC for a special use permit to allow business and professional offices at 110 West Grace Street

Vice Chair Finnegan read the request and asked staff to review.

Ms. Banks said that the Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses. The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

The following land uses are located on and adjacent to the property:

- Site: Vacant building; zoned M-1
- North: Classroom facility and parking areas leased by JMU; zoned M-1
- East: Parking lot leased by JMU; zoned M-1
- South: Across West Grace Street, JMU parking garage, classroom facilities leased by JMU; zoned M-1, and commercial coffee shop; zoned B-2
- West: Facilities owned by JMU; zoned B-2

The applicant is requesting a special use permit (SUP) per Section 10-3-97(3) of the Zoning Ordinance to allow business and professional offices in the M-1, General Industrial District. The property is located along the northern side of West Grace Street, between Chesapeake Avenue and South High Street. A majority of the +/-3,603 square foot parcel is comprised by a +/-1,515 square foot building, leaving limited area for walkways and no parking on the site.

If approved, the applicant desires to lease the space to James Madison University (JMU) to be used as support offices for teachers associated with the Arts and Art History College, which is located directly adjacent to the subject property on tax map parcel 25-H-1B, and is also owned by the applicant. A SUP for religious, educational, charitable or benevolent institutional uses, which do not provide housing facilities in M-1 was approved in February 2002 for the Arts and Art History

College to utilize tax map parcel 25-H-1B as educational/classroom space. At that time, the subject property was under a different ownership and was not part of the 2002 SUP.

It should be understood that if the requested SUP is approved, only offices would be allowed at 110 West Grace Street. The educational/classroom use permitted by the 2002 SUP for tax map parcel 25-H-1B, does not extend to the subject parcel and would be considered a violation of the Zoning Ordinance should it expand into 110 West Grace Street.

The subject property lies within the floodway boundary of the City's Floodplain District. The applicant's engineer is currently working with staff to ensure compliance with Zoning and Building Code regulations for renovating a structure within the floodway.

Parking for the office use would be calculated at one parking space for every 300 square feet of gross floor area; therefore, six off-street parking spaces are required. As previously noted, there is no area on the subject property to accommodate off-street parking. In the past, all parking for the subject property has occurred on the adjacent property, tax map parcel 25-H-1B, which currently has 63 marked parking spaces. The applicant, as owner of both parcels, has informed staff that they will provide a shared parking agreement between the two parcels. The uses on tax map parcel 25-H-1B requires 56 parking spaces and the proposed office use requires six spaces, for a total of 62 required parking spaces. The shared parking agreement will need to be in place prior to the issuance of a certificate of occupancy for the use.

The applicant is aware that if the SUP is approved, the requested use must be established, or any construction authorized must be commenced and diligently pursued within twelve months of the approval date or the SUP becomes void.

The area surrounding the subject property primarily consists of parcels owned or leased by JMU for use by the university. The requested office use SUP is congruent with the area and is an effective reuse of an otherwise vacant building. Staff believes that the proposed SUP is consistent with good zoning practice and will have no more adverse effect on the health, safety, or comfort of persons living and working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area.

Staff recommends approving the special use permit.

Vice Chair Finnegan asked if there were any questions for staff.

Vice Mayor Romero asked how long the space has been vacant.

Ms. Banks said that might be a question for the applicant. I think it might have been vacant for two years because they lost their non-conformance to have an office there.

Vice Chair Finnegan said that JMU recently built a parking deck on Grace Street. Does that factor into the parking requirements? Was this a consideration for staff?

Ms. Banks answered no.

Vice Chair Finnegan asked if there were any further questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to call in.

Jim Monger, 265 Chesapeake Avenue, called in to speak in support of the request. I would like to thank Ms. Banks for a wonderful presentation. I would like to answer your question as to when the premises were vacant. They were in business up to March of this year. Because of COVID-19, they told us they could not stay there anymore. JMU heard it and approached us requesting to use it as offices. It was used until this spring.

Vice Chair Finnegan asked if there were any questions for the applicant. Hearing none, he asked for the next caller. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Commissioner Whitten made a motion to recommend approval of the SUP request.

Commissioner Fitzgerald seconded the motion.

All members voted in favor of recommending approval of the SUP request (6-0). The recommendation will move forward to City Council on September 8, 2020.

Consider a request from C-Side LC to rezone 225 and 245 Old South High Street

Vice Chair Finnegan read the request and asked staff to review.

There were technical issues with the staff presentation. Staff was unable to include the slideshow in their presentation.

Ms. Dang said that the Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for "live-work" and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

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downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

The following land uses are located on and adjacent to the property:

<u>Site:</u>	Vacant storage warehouse and offices, zoned M-1
<u>North:</u>	Single-family detached dwelling, zoned R-3
<u>East:</u>	Across Old South High Street, properties owned by C&W Railroad, other properties used for warehousing, zoned M-1, and a single-family detached dwelling, zoned R-2
<u>South:</u>	Single-family detached dwelling, zoned R-2
<u>West:</u>	Across South High Street, Veterans Memorial Park (JMU), zoned R-2, and a single-family detached dwelling, zoned R-3

The applicant is requesting to rezone a +/-33,287 square foot property from M-1, General Industrial District to B-1C, Central Business District Conditional. The parcel has street frontages on Old South High Street and South High Street (Route 42) and is located approximately 250-feet south from the intersection of Old South High Street and West Bruce Street. The property is known as being the location of Howard A. Spangler Co., a wholesaler of plastic, paper, and custodial supplies, which operated for decades in this location and closed in 2017.

If the rezoning request is approved, the applicant plans to renovate the buildings to create approximately 19 multi-family dwelling (apartment) units. Attached is a conceptual site layout for the property, as well as, conceptual layouts for the multi-family dwelling units within the buildings. Among other details, off-street parking and landscaping requirements, emergency access, will be reviewed during the engineered comprehensive site plan and building permit process to ensure that all regulations are met.

With the rezoning request, the applicant has proffered the following (written verbatim):

1. The maximum building height is forty feet.
2. There shall be no less than fifteen parking spaces located on the property.

Regarding the first proffer, rezoning to the B-1 district without proffers would allow buildings to reach a maximum height of 75-feet and have no minimum setbacks. The property is surrounded by parcels in different zoning districts including R-2, R-3, and M-1. The R-2, Residential District allows a maximum building height of 35-feet while the R-3, Medium Density Residential District allows a maximum height of 35-feet or 40-feet depending on the building's use. The M-1, General Industrial District allows a maximum height of 75-feet, however, any structure greater than 35-feet when the parcel abuts a residential district must add one additional foot of side and rear yard setback for each foot above 35-feet in addition to the minimum side and rear yard setbacks of 10-feet. The applicant has proffered a maximum building height of 40-feet to address staff's concerns

that redevelopment to a B-1 zoned property could include buildings that are 35 to 40-feet taller than the maximum height of buildings allowed on neighboring properties.

Regarding the second proffer, since there are no minimum off-street parking requirements in the B-1 district, the existing parking areas could be reduced or eliminated, which could add parking demand onto city streets, namely Old South High Street. The Department of Public Works and Harrisonburg Police Department have noted that there have been on-going challenges and complaints received about the lack of on-street parking available along Old South High Street. The applicant understood staff's concern and has proffered a minimum of 15 on-site parking spaces. Note that nine fewer parking spaces are proffered than the 24 spaces shown on the conceptual layout. The applicant explained to staff that it is their desire to construct all 24 parking spaces and to close the entrance onto South High Street as illustrated on the conceptual layout. However, in order for fire apparatus to maneuver onto and around the property to access the buildings, the entrance to South High Street might need to remain open which would preclude the ability to have parking spaces in that area and the parking spaces closest to Old South High Street might also need to be removed from the plans. Conversations with the Fire Department and the Engineering Division of the Department of Community Development will continue through the engineered comprehensive site plan phase of development.

The Comprehensive Plan Land Use designation of Mixed Use supports the rezoning request to B-1C for this parcel and the listed proffers address future redevelopment concerns. Staff recommends approval of the rezoning request as submitted.

Vice Chair Finnegan asked if there were any questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to call in.

Seth Lind, 580 Red Oak Street, called in representing C-Side LC. I have no additional comments.

Commissioner Whitten asked if the buildings are going to be preserved.

Mr. Lind said that, at this point, they are.

Commissioner Whitten asked if there would be any retail space.

Mr. Lind said that as it is drawn, it is all residential.

Vice Mayor Romero said that we talk a lot about affordable housing and have availability for families who need housing at a lower cost. Will this address the lack of inventory in the City or will these be higher scale apartments?

Mr. Lind said that they are slated to be market rate property, although they have smaller square footage. That may work for some people because of the smaller square footage.

Vice Chair Finnegan asked how many are planned to be one-bedroom or two-bedroom?

Mr. Lind said that a handful of the units are a living area with a loft for a bedroom. The two buildings that are separated will all be single one-bedroom units. There will be six there. In the rest of the building, we have lofts.

Vice Chair Finnegan asked if there were any more questions for the applicant. Hearing none, he asked for the next caller. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Vice Chair Finnegan said that he is glad that these buildings are not being demolished. They are landmark buildings. Old South High is a landmark. There is a cultural aspect to Old South High. There was a website of local news and culture that was called Old South High, named after this street. I think they are interesting buildings and I am glad to hear that they are not slated to be knocked down, but to be renovated. I also like the fact that a lot of them are one-bedroom units. There is a need for one-bedroom apartments in Harrisonburg.

Commissioner Whitten said that she remembers parking issues on Old South High Street and that parking has always been an issue. We talked a lot about the change in that neighborhood and understood that it is a transition neighborhood between downtown and the residential district. How bad has the parking gotten recently? Are there persistent problems that wax and wane? Or has there been a trend toward a significant increase in parking problems?

Ms. Dang said that she did not ask the Police Department that specific question. They shared that over the years there has been concern with parking on Old South High Street.

Vice Chair Finnegan said that there are parking permits for certain streets in Old Town. How do they get designated in the City which streets get parking permits and which do not?

Ms. Dang said that she does not know specifics, but that it is a petition process by the neighbors. They have to get a percentage of signatures from the households and present the petition to the Police Chief. The Police survey the vehicles on the street to determine what percent are registered to those addresses. Staff would make a recommendation to City Council whether permit parking should be placed on Old South High Street. I am not aware of any petitions for Old South High Street.

Commissioner Whitten said that whatever motion we make needs to have strong wording that we would like to see the parking on the higher side and not the 15 spaces. That is the only part of this that I am uncomfortable with. They are going to need all the parking they can get.

Vice Chair Finnegan said that this is very close to downtown. I know several people who live in Harrisonburg who do not have cars. Discussions about parking requirements come up a lot. That is why I asked about parking permits. I think that is something more neighborhoods should pursue – the on street parking permits. We have precious little land and a lot of it is being used for parking.

Commissioner Whitten said that this has the look of student housing. JMU has not slowed down building parking decks. Most of the students that are coming into our city have cars. I am sure that there are a lot who ride their bike, but in a neighborhood, we need to know that parking is available.

We are not just talking about the people who live there, but also people who visit. We need to err on the side of more. I am happy to see that this is a B-1 request that obviously would not have to have any parking if it were to be passed as B-1 without this proffer. I am happy that there is this nod to, yes, this needs to be considered.

Commissioner Fitzgerald asked Commissioner Whitten if she would be okay with the 15 parking spaces that were proffered.

Commissioner Whitten said yes, with reservation. If this can fit more parking spaces into this piece of property, I would like to see that.

Commissioner Fitzgerald made a motion to recommend approval of the request, as presented.

Commissioner Whitten seconded the motion.

All members voted in favor of recommending approval of the rezoning request (6-0). The recommendation will move forward to City Council on September 8, 2020.

At the conclusion of these items, Chair Colman returned to the meeting.

New Business – Other Items

Consider a request from Christopher and Susan Versen to close a +/- 900 square foot portion of undeveloped right-of-way located between Myers Avenue and Monticello Avenue

Chair Colman read the request and asked staff to review.

The technical issues continued; however, staff was able to include the slideshow, in presenter format, in their presentation.

Ms. Dang said that she will present the original application that was included in the staff report. There is an update with additional information and drawings. On Monday, I was contacted by the neighbors at 371 Myers Avenue, the Fergusons, with interest in purchasing a portion of the right-of-way also. I have been speaking with both property owners over the last couple of days. I will share with you what will be closed given the interest in the land that both property owners have.

The undeveloped public alley right-of-way is adjacent to property that the Comprehensive Plan designates as Low Density Residential. These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

The following land uses are located on and adjacent to the property:

- Site: Undeveloped public right-of-way adjacent to tax map parcel 26-V-1 and 26-S-15, zoned R-1
- North: Single-family detached dwellings, zoned R-1
- East: Across Myers Avenue, single-family detached dwellings and Spotswood Elementary School, zoned R-1 and R-2
- South: Single-family detached dwellings, zoned R-1
- West: Continuation of the undeveloped public right-of-way to Monticello Avenue and single-family detached dwellings, zoned R-1

The applicant is requesting to close a +/- 900 square feet portion of an undeveloped public right-of-way located between Myers Avenue and Monticello Avenue. The applicant explained to staff that the land sits at a high elevation and has beautiful mountain views, and that the applicant would like to incorporate this area into their backyard. The alley is approximately 35-feet in width and the applicant is requesting to close approximately 20-feet of width for a length of approximately 45-feet. The exact dimensions of the closure will be determined when the land is surveyed, and a plat is drawn.

The applicant acknowledges in their letter that the undeveloped public right-of-way is “heavily used by pedestrians in the neighborhood, especially children on their way to Spotswood [Elementary School], and it provides access to the new driveway at 371 Myers Avenue.” In 1995, a 20-foot portion of the right-of-way adjacent to and for the entire length of the property at 410 Monticello Avenue was approved for closure and 15-foot was reserved as a pedestrian access. Staff recommends retaining a minimum of 14-feet of right-of-way for this section of the undeveloped right-of-way for people to continue using for walking and biking. If the City paves a shared use path in the future, the path would be 10-foot wide with 2-foot shoulders on each side. Note that at this time, the City has no plans or schedule for paving a shared use path.

Typically, after City Council votes to approve the closing of public street or alley right-of-way, the City Clerk will send letters to adjoining property owners and the adjoining property owners would have 60-days from the date of the letter to notify the City of their interest to purchase half of the right-of-way. If the adjoining property owner declines to purchase half of the right-of-way or does not respond, the applicant can purchase the full width. However, in this case, both the applicant and the City agree that a minimum 14-foot of width needs to be reserved for pedestrian access and cannot be closed. If the adjoining property owner at 371 Myers Avenue (TM 27-T-1 located north across the undeveloped right-of-way) is interested in purchasing a portion of the right-of-way, then city staff will work with the two property owners to determine how to divide the land between the two owners while maintaining a minimum 14-foot pedestrian access.

The Department of Public Utilities and Columbia Gas of Virginia have commented that there is a public water main and gas main within the undeveloped public right-of-way. While the exact locations of the public water main and gas main relative to the area the applicant desires to close is unknown at this time, if the City approves the closure of the alley, easements would need to be established for each utility. Public Utilities would require a minimum 20-ft easement, centered, on the water line and Columbia Gas would require a minimum 10-ft. easement centered on the gas line. The applicant expressed that given where they believe the gas main is located, they might

choose to exclude any area that would be required to be within a gas easement from the area they want to purchase. Exhibit A represents the approximate locations where the water main and gas main are located; exact locations of the mains and widths of the easements would be determined when the survey and plat are prepared.

The applicants are aware that if City Council votes to approve closing the undeveloped right-of-way (first reading at City Council), the applicants are responsible for having a survey and plat prepared in order for the City Attorney to draft the ordinance to finalize the closure (second reading). The survey should show dedicated easements, if applicable, and that the undeveloped public right-of-way will become part of the applicant's existing parcel(s).

Now, I would like to spend some time discussing what has transpired over the past couple of days. Earlier this afternoon, I emailed new letters from each of the property owners and a PDF titled "PC Update Map Area of Requested Closure" which includes the areas illustrated as Area A and Area B. The owners of 445 Myers Avenue are interested in acquiring portions of the undeveloped right-of-way because of the beautiful views from that location and the owners of 371 Myers Avenue are interested in acquiring portions of the undeveloped right-of-way to add additional buffer between their home and the pedestrian access. Additionally, if possible, the owners of 371 Myers Avenue would like to incorporate the driveway that exists within the undeveloped right-of-way into their property. The area illustrated as Area A has been reduced in size by the owners of 445 Myers Avenue compared to the original application to allow the owners at 371 Myers Avenue the ability to obtain additional land and in consideration of the transition area necessary for the pedestrian path.

As I said before the exact dimensions of the transition area and the width of the pedestrian access is still to be determined and will be worked on by the Department of Public Works.

Included in this drawing, you will also see in the corner of 371 Myers Avenue, there will be some planning needed to get the future 10-ft wide path to make the turn to get to the crosswalk at Myers Avenue. And while I do not know the details yet, there will need to be some coordination with the owners of 371 Myers Avenue to obtain some land at the corner for the shared use path. There may be an opportunity for a land swap in square footage that could reduce the cost of the land the owners would purchase from the City.

City staff still recommends approval of this request if the following is included:

- a. The City retains a minimum of 14-feet of width from the undeveloped right-of-way.
- b. Easements are established for the public water main and gas main, as necessary.

Chair Colman asked if there were any questions for staff.

Commissioner Finnegan said that it seems that we do not have all the information. Things are still in flux. I do not like to vote on something where there is missing information. Is that fair to say that we have not defined the boundaries and do not know exactly where the line will be?

Ms. Dang said that is correct. Staff is comfortable in proceeding. There are a couple of ways that this could be approached. Staff could spend the time and energy in doing the preliminary design to figure out what we absolutely need and then have this application presented to the Planning Commission and City Council. We are comfortable with the approach of approving it conceptually, knowing that between the first reading and second reading at City Council, those details would have to be worked out. The second reading at City Council, unlike rezoning and zoning ordinance amendments where the first and second reading occur in the same month, with an alley closing there is more time that transpires. This will add a little more time, assuming that City Council were to approve the request that was conceptualized and presented here, Public Works can work on those details, share the information with the applicant's surveyors and then that plat would be presented to staff for review. It would then be presented again at City Council for the second reading to finalize the closure after the applicant has paid for the land that they are planning to acquire.

Commissioner Finnegan said that he is struggling with the language of alley closure. We are not really closing the alley. This is an alley reduction. Is "closure" the technical term that we have to use?

Ms. Dang said that the summary describes it as a portion of undeveloped right-of-way. We were vague in that description of portion because it is still in flux.

Vice Mayor Romero said that Planning Commission votes on something they believe in and they know what they are voting on; but, then it changes along the way to the point that sometimes I feel like I am voting, on the City Council level, on a completely different project. This Commission is here to advise City Council. Do you anticipate that there will be a lot of changes when it goes to City Council? Would it look a lot different than it looks right now?

Ms. Dang said that she does not know how to answer that because the layout is conceptual. I do not expect that it will look exactly like what I shared. The concept includes a pedestrian path that will be maintained. That was an important factor for staff as well as the community members that we heard from. They want to maintain that access way. As long as that pedestrian access can be maintained, staff did not have concerns about closing any area that the City did not need.

Commissioner Whitten said that children have used that property to traverse to and from school. My children were at Spotswood Elementary School. They walked that way to school. If you drove past, it looks like a continuation of one yard to another. This is not a complicated issue. What staff is proposing, to give that walkway space 14 feet, is completely adequate for that purpose and for the homeowners to have a little more space in their yard. They are maintaining that space anyway. I do not think that we need to get into the weeds. I am famous for getting into the weeds. In this case, I can see the path through the weeds.

Commissioner Finnegan said that there are alleys in Harrisonburg that we have seen as the Planning Commission that are full of brush. I want to make sure that if we reduce the alley, that we do not reduce it to the brush that is not traversable.

Commissioner Byrd said we are discussing this area that is closer to Myers Avenue where it is already flat and has well-kept grass. The changing of property there, unless the owners of that new property do something to create barriers, will not be a hinderance to the population. It is the rest of the right-of-way, that is between 374 and 410 Monticello Avenue, where the 14 foot width is not observed at all.

Ms. Dang agreed. You are correct in the points that you made regarding the area closer to Monticello. I have spoken with the Department of Public Works. They will be following up with both property owners to make sure that it is cleared back to the 15-foot width that it should be.

Chair Colman said is there a possibility of doing a land swap with this and land at the crosswalk on Myers, with the other neighbors that want to buy some of that property. It would be nice to have that as part of this proposal. If we are going to maintain that path to provide a safe passage for children going to school, then I would like to maintain that safe passage all the way to the crosswalk. It is the same thing that you are proposing, but there is no commitment from their part. I would like to have a commitment. My concern is that we put people back on the driveway or the street, they have to walk back to the crosswalk. At this point, it is a suggestion from the City, but not a commitment from the purchasers.

Ms. Dang said that she does not believe that a request for a closure can be conditioned on other property that we do not have.

Mr. Russ said that he does not believe that is something that can be conditioned.

Chair Colman said that he agrees with Commissioner Finnegan. These are a lot of very good ideas, but they are not solidified. I understand why, to some extent, but what concerns me the most is that if they are trying to accommodate the traffic of children through that area, then I would like to make sure that we are bringing them to a safe crossing place and not back to the street or crossing someone else's yard. I would like to have more assurances. We might not be able to condition it, but we can say no until this is resolved. I am not saying that is what we are going to say. I am suggesting that it could be a decision.

Commissioner Finnegan said that we just saw a request like this. We had one that we tabled two months ago because we felt that we did not have enough information. We are within our right to table this request with concerns if we do not feel comfortable voting yes or no.

Chair Colman said that the applicant has not had a chance to speak yet, or other callers. They can comment, from their end, what they want to do. I want to hear from the applicant and other callers.

Ms. Dang said that this is not a public hearing, but we would like to hear from the applicant. It is customary that we give them the opportunity to speak. I will add that we will have the first applicant on the line first. Due to technological limitations, the second applicant will have to call in.

Chair Colman opened the meeting for public comment and invited the applicant or applicant's representative to call in.

Chris Versen, 445 Myers Avenue, called to speak to his request. My wife, Susan, and I are the original applicants to close part of the right-of-way between Myers Avenue and Monticello Avenue. Our application has to do with the western half of the section that Ms. Dang showed you on the map. The asphalt driveway is the access we have to our driveway. It is the same one that I used as a cut through when I was a kid in the 1970s. I love the cut through as much as anybody does. We took our children to Spotswood Elementary from our old house on Paul Street. I would never want to do anything to interrupt the flow of bikers and pedestrians.

Chair Colman said that we understand your request. It gets more complicated when we have to allow the adjacent property owners to also buy some of the property. Thank you for understanding.

Mr. Versen said that the maps that Ms. Dang showed were difficult to see because of the technology glitches. Our more recent proposal had the cut through connecting where the asphalt meets our property line which would make a clean and open access to the 15 feet that currently runs along the edge of 410 Monticello Avenue. At least at that end, from where our driveway is to the west, I do not see a complication. Obviously, finishing the route to get to the crossing guard, Ms. Byrd, at the crosswalk is something entirely different. That was beyond anything in my application.

Chair Colman said we have those plans. It was late in the day when we received them. I do see it here. Thank you for making that adjustment. It is helpful.

Chair Colman asked if there were any more questions for the applicant. Hearing none, he asked for the next caller.

Jeff Ferguson, 371 Myers Avenue, called to speak to his request. We are concerned about the safety of the children, as well. My wife was a teacher in the City of Harrisonburg Public School system for 23 years. We have lived here since 1997. I would like to see what the City would propose as far as a cut-over to the cross-walk. We certainly would not be opposed to that because of the protection of the children. I have grandkids. My daughters attended Spotswood Elementary, Thomas Harrison Middle School, and Harrisonburg High School. We are very much concerned about the well-being of the children. I would like to ease your minds on that.

Chair Colman said that he understands that Mr. Ferguson is willing to discuss with the City how this may affect his property and any potential property swap.

Commissioner Byrd said that he has no questions. I understand the design of the piece of property that they are trying to acquire.

Chair Colman asked if there were any more questions for the applicant. Hearing none, he asked for the next caller.

John Monger, 424 Monticello Avenue, called regarding the request. My concerns are the ambiguity around the request. I understand that there was an initial request and now there is another request for additional land to be purchased on both sides. When you went to that slide that had the

two parcels being purchased, it looks like there is an angle to the right to get to Myers Avenue. If anybody has walked that, they know that the crosswalk is to the left. It appears that you are cutting off the access point to where the crosswalk is to get to Spotswood Elementary School by angling to the right. Another concern I have is that one of the nice features of Spotswood Elementary School is being able to walk. It could start making it harder for families to walk their kids to school. I understand that both property owners understand the traditions of that alleyway and the walking, but they are not always going to be the property owners. Once the property is sold, it can be impossible for the City to get that back. I hope the City thinks long and hard. I think that tabling the request is a good avenue to go because you do not truly know what you are recommending at this point. I would like to see the parcel be marked to where the neighboring community can see what the alleyway is going to look like after this reduction so that people can make a full decision on it. At this point, we are grasping at smoke and mirrors of what it is going to look like once it is all said and done. I know that both property owners know the tradition, love the tradition, of that walkway, but they are not always going to own that property. Those are my concerns. I would like to see what is actually going to happen before it is pushed through to the next stage.

Chair Colman asked if there were any more questions for Mr. Monger. Hearing none, he asked for the next caller.

Heidi Klim, 418 Monticello Avenue, called regarding the request. I am very close to the walkway. I am concerned also that the Planning Commission is thinking about endorsing a plan that is not concrete. It is a changing thing. We need to see exactly what is being changed and where the borders are going to be so that we can make a good decision about it. It is a decision that if you send an endorsement to City Hall, they will go, oh the Planning Commission endorsed it, and it paves the way or is a set up for it to be quickly passed. It is no harm done to table it and give it a second thought, have some time for the community to see it plotted out, and make it more real and clear to people how that path is going to look. It gives everybody comfort. People feel comfortable when the boundaries are clear, as opposed to, we think it will be this, but we are not sure it will not be that, but we hope it is 14 feet. Let us see what it is, then you can make a conscious and thoughtful decision on the request.

Chair Colman asked if there were any more questions for Ms. Klim. Hearing none, he asked for the next caller. As there were no more callers, he closed the public comment portion of the meeting and opened the matter for discussion.

Commissioner Finnegan said that the crosswalk from the school to the alley is not pointing in the right direction, it takes you to the front yard of 371 Myers Avenue. Is there any possibility to repaint the crosswalk in the right direction to the alley?

Ms. Dang said that it is located at that location to line up with the northeast corner of Myers Avenue and Mountain View Drive near the school, perpendicular to the street, which is the shortest distance that anybody would be crossing the street. It is a good observation that it is skewed with where the existing curb cut is closer to 445 Myers Avenue, but that is why the path would have to be designed or clearance provided so that people can come down that hill and make the turn over to where the crosswalk is located presently.

Commissioner Orndoff said that it seems that there is enough interest for other members of that neighborhood to be involved in this decision. Would there be the possibility of Public Works doing some sort of community meeting or presentation at Spotswood Elementary School and bringing people in and having discussion among the neighbors, so that we may come to some agreement as to how that they would like it to look.

Ms. Dang said that this is now become a significant project for them to take on and review. They have many other priorities that they might have to address first. Public engagement is important, but the vagueness of our application at this time was to do what was minimally required to figure out what the alignment would be. At this point in time there is no budget or any funds for putting up anything to delineate or enhance the path. With that said, in conversations with the Public Works Planning Manager about this application, she did point out that this could be an application for a Safe Route to School grant or something to that effect. They have not started anything, but now she is seeing through the comments and this discussion, how much interest there is in this area. It has brought it up as a potential future grant application.

Commissioner Whitten said that given the current conditions regarding Covid-19 and large groups, she does not believe it would be possible to have a public meeting.

Chair Colman said that the way that it is anticipated, it would put the children back into the driveway. It is not a sidewalk. It is a shared pedestrian and vehicular path. If the Safe Route to School were to be done with the property right now, the whole path would be outside of the driveway. It would cross the new driveway that is not shown on this image, but it would be outside of the existing driveway.

Commissioner Finnegan said that it looks like there is an outbuilding or shed about two-thirds of the way back from Monticello Avenue that appears to be in the alleyway. Is that what that is?

Ms. Dang said that there is a garage or a shed structure back there. I do not know where the property lines are relative to that building. It may be within the right-of-way. There is a history of that in alleys throughout the City. The aerial photos that we offer you are off by several feet because of the aerial projection and other data. It is not survey data. When Public Works looks at vegetation and other things there, we might be able to identify whether the City would require that person to move their shed. If there is space to get by and it would work, we may not require them to move it.

Commissioner Finnegan said that his main concern is not the shed. The last alley closure request that this body heard was completely overgrown and not traversable. If the next property owner that moves into 374 Monticello Avenue decides to put a fence down the property line, the alley conceptually, technically, might be an alley, but if it is full of vegetation, then it is not traversable. I am not concerned about the applicants. They are supportive of using that for Safe Routes to School. My concern, as is often the concern for the Planning Commission, is not the current occupant who is making the request. It is the next property owner who might decide to do something different and does not like people cutting through their yard. At this point, if there is a motion to approve this, I will vote against it, only because I do not have enough information to make a decision. I think tabling it would be a better move.

Commissioner Whitten addressed Commissioner Finnegan asking do you understand that the 14-foot pathway is preserved?

Commissioner Finnegan said that it is preserved on a GIS system like this. It does not mean that, if I bought that property and I did not like someone cutting through my yard, and I built a fence right on the property line, that fence might be right on the property line, however the path may not be traversable. I want to make sure that, regardless of who the property owner is, that is a walkable path.

Ms. Dang said that it may be that City staff was not aware that there was vegetation that was overgrowing the section that is closest to Monticello Avenue. From my conversations with staff, it appeared to be that way. We will address the cutting back of the vegetation to make sure that the 15 feet is clear.

Chair Colman said that Public Works does not maintain most alleys, like the one Commissioner Finnegan mentioned where we denied closure. Why would this be different? The other concern is that this is a heavily used alley, so trying to reduce it or close it without a definite plan seems premature. If we did have a plan, it would be more straightforward. I feel uncomfortable, too. We need more information. It may not have to be on Public Works shoulders. It may be on the applicant's shoulders. Getting a surveyor involved would be helpful to know where the property lines are and to work with the reports on where the center and edges of that path may be.

Commissioner Byrd said that it sounds like Public Works has not been maintaining the section closer to Myers Avenue, that the applicants have been maintaining that grass. The applicants are being delayed, people in the community are concerned due to the rest of the right-of-way. In that area there is a lot of vegetation. It does not feel that there is 14 feet of width, perhaps two feet or seven feet of width. If you walk through there, you are getting close to a lot of vegetation and then a structure where we do not know exactly where the line is drawn relative to that structure. It seems that the property of that structure, that the right-of-way goes down to two to three feet of width relative to the vegetation on the other side. The applicants' proposals are addressing their section, but the community issue is more the perception due to the other end of the right-of-way. That would lead me to want to table this to find out where these lines actually exist for this right-of-way so that the community will understand that the applicants are not trying to prevent the path. There is not a clear understanding where the other section of the path exists.

Commissioner Whitten said that is a very good analysis of the problem that we are looking at. I would add that I do not think that those two applicants are going to have to pay for the survey of that part of this property. They are not trying to buy all the way to Monticello Avenue. Is that correct?

Ms. Dang said that is correct. They are only responsible for surveying the area that they will be purchasing.

Commissioner Whitten said that this has uncovered a problem that would never have been addressed without their interest in purchasing the property that abuts their property.

Commissioner Finnegan said that is correct. 410 and 374 Monticello Avenue are the two properties that are adjacent to the majority of the alleyway, not the two that are on Myers Avenue.

Commissioner Whitten said that is a Public Works issue to clear that property if we are saying that we want it to be used for a pathway. That has nothing to do with either one of these two property owners. A lot of this information came in late this afternoon. If it is everybody's comfort level to ask for more time, then I think that it is the Planning Commission's responsibility to be direct with what it is that we are asking staff to do.

Chair Colman asked what are we asking staff to do.

Commissioner Whitten said that apart from this application, we are asking for more information about the section of the alley that ends up at Monticello Avenue.

Commissioner Finnegan said the issue that I have is not with the two properties that are making the request, but with the two properties that are on Monticello Avenue. I do not know what it is that staff can do other than get more clear lines as to where exactly it goes.

Chair Colman said that it is our responsibility to look beyond the immediate issue or immediate subject. In the same way as we are looking at how this impacts the children going to school, we need to look at what else is going on here that needs to be addressed. According to GIS, the alleyway seems to be blocked by a shed, potentially, but we do not know that until there is a determination from a surveyor whether that is the case or not. Whose responsibility that is, I do not know. That is a question for staff. If the two property owners that are trying to purchase property from the City platted their property, the surveyor would know whether the line continues on the same way or not. Part of their research would be to tie in those properties with the other properties. I do know that we want to put it on the applicant because their request is relatively straightforward. I am still uncomfortable, even with their request, about where that path is going to be. I agree that it is blocked farther up, but even where we are talking about, where is that path going to be? Is that really the way it should be? It is not just whether the request is clear or their intentions are good, but who is going to own that property later on and will they be as accommodating? In most cases, people just go and build their shed in the middle of the alley or of the right-of-way. This could be the case here at some point, unless there is a defined path as it is on the other side of Monticello Avenue, where there is a paved path. That is clearly a right-of-way for people to walk through. Here it is undefined.

Commissioner Finnegan made a motion to table the request.

Commissioner Whitten seconded the motion. I want to reiterate what I said that we need to give some direction.

Ms. Dang asked what information do you need? Are you asking for the path to be designed on a plat as well as marking the field for your review? If the applicants wish to move this forward, it would be quite some time for you to receive this back.

Commissioner Finnegan said that he does not want to cause additional costs and hassle for the applicants. Would it be possible to get chalk paint and put a line where the actual boundary would be? Photos with chalk paint where the line would be is sufficient for me. I do not want to create a bunch of hoops for them to jump through. I just do not feel comfortable voting yes or no on this today.

Chair Colman said that the applicants will have to conduct a survey of their properties and the properties that will be acquired. That could be done sooner rather than later. Establishing where those lines are is not a huge cost or a huge burden. It would not be for the applicant, especially if it would make us feel more comfortable saying that we are more comfortable with the path here compared to saying that we do not feel comfortable supporting this. I feel comfortable with the applicant, but we need more information and that would be a delineation of where the path would be and how that would impact access to the crosswalk.

Commissioner Whitten said that typically when people ask for these things, they get their request approved and then they must expend funds for the project. I think it is a big ask on our part to ask a homeowner to hire a surveyor to do that without approval.

Chair Colman said that he disagrees. I work in this field. Homeowners are always asking to mark their property lines. If they are going to acquire more property, they need to determine where their property is and what they are buying. They will have to do it, regardless, and they can do it to anticipate where they are. It is not uncommon, and it is not a huge cost. I would guess that it is the same cost as their request.

Commissioner Byrd said that the applicant for property 371 Myers Avenue has the most interest in needing to know where the line is relative that tree line of property 410 Monticello Avenue. It appears from the image that most of the path will be relative to their property, not the original applicant on the other side. It appears that to have someone put together that information of where the path is and where the limits of their property are, will help them determine and negotiate with the original applicant and the City on how much land each could obtain.

Commissioner Orndoff said that we have a motion on the floor that has been properly seconded and we need to take a vote.

Chair Colman said that it sounds like we cannot take a vote until we have a discussion on conditions or requests before the vote, otherwise we are tabling an item without any direction.

Commissioner Finnegan said that the direction is that we need more information. We need to know exactly where the lines are.

Ms. Dang clarified that the commissioners want to know where the existing property boundaries are, as well as, where the center or the edges of the future path would be. That will take some work and it will take some time before this item returns to you. It will not come back next month.

All members voted in favor of tabling the request (7-0). The item is tabled until the applicant can return with the information requested.

Unfinished Business

None.

Public Comment

None.

Report of the Secretary & Committees

Proactive Code Enforcement

Ms. Dang said that the proactive code enforcement remains temporarily suspended pending the hiring of a Zoning Technician. In addition, we may not be able to continue the program for the duration of the COVID-19 public health emergency. Proactive code enforcement requires two people who would be in a car together, which does not allow for safe distancing. We will resume when we are able to do so.

Rockingham County Planning Commission Liaison Report

Commissioner Finnegan presented the Rockingham County Planning Commission Liaison report. There were two items. There was a rezoning request near Penn Laird, near Keith's Auto Sales, for the gas station. Holtzman Properties has been redoing a lot of their gas stations in Harrisonburg and Rockingham County. They are going to knock down the old building and build a larger gas station. The rezoning request was to allow them to do that. It passed. There was one tabled item. They had some ordinance amendments that had been previously discussed and were unfinished business. They received verification from staff and were able to finish it.

Board of Zoning Appeals Report

Chair Colman presented the Board of Zoning Appeals report. We met last month to discuss a variance request to allow an addition to a single-family home in an R-1 neighborhood to have a setback of 28 feet instead of the required 30 feet from the front property line. The applicants needed accessible rooms. It was easier for the BZA to approve because of the limitations for mobility within the structure.

City Council Report

Vice Mayor presented the City Council report. Matchbox requested to rezone 231, 251 and 261 South Liberty Street. That is the Daily News-Record building area. Planning Commission recommended approval, but City Council denied the application. The concerns were lack of parking, in particular with the parking study coming back. That was the only item.

Other Matters

Update on the Zoning and Subdivision Ordinances Update Project

Ms. Dang said that information has been added to the City website. The Core Project Team is composed of myself, Adam Fletcher, Wesley Russ, and Zoning Administrator, Rachel Drescher. We have put together three other teams of people.

The Staff Technical Team includes the people I just mentioned as well as City department representatives from Public Works, Public Utilities, Fire, Public Transportation, and Economic Development. The City Engineer, Building Official, Alison Banks, our Senior Planner, will also participate on that Technical Team. They will meet with the consultants and the Core team at various points, at least six times or more, during this 18-month project.

The Stakeholder (Focus) Groups will be done virtually, early in the project. We are looking at sometime in September or October to do those. What we envision is to have eight separate meetings with groups of eight to ten people that are organized in such a way that they can have a cohesive conversation surrounding particular topics. Those topics are yet to be determined.

The Ordinance Advisory Committee (OAC) would be made up of ten to twelve community members. We have proposed that the OAC would include a couple of members from the Planning Commission and at least one City Council member, as well as other community members. The Committee would meet at six touch points during the 18-month project to help us with discussion and reviewing drafts and be engaged in that manner.

I do not have details on the selection process. We are waiting on input from the City Manager's office and from City Council to determine if we would receive recommendations from the Planning Commission and City Council, by word of mouth, people contacting us, brainstorming, or an application process. I hope to find out very soon and be able to announce to you and to the public what we are going to do in organizing the OAC and the Stakeholder (Focus) Groups.

The project will consist of four phases. Phase 1 is Project Initiation and Orientation, which includes initial interviews and a review of our ordinances to gain an understanding of what has worked, what have we heard comments from, what should be evaluated further. They will provide a diagnostic of some of their recommendations for consideration. Phase 2 is Iterative Drafting. They will break it up into three parts, draft modules, to make it easier to understand. These would be reviewed from January to August 2021. Phase 3 would consist of public comments and review. Under normal circumstances, we would have an open house and invite the public to interact with us. We are not sure how we will do it. There are creative ideas that we will consider that do not gather many people in a room together. We will make those decisions when we get to that point. Phase 4 entails a compilation of all the final comments and presentation to Planning Commission and City Council at public hearing.

The next important date will be the August 25 City Council meeting. At this time, we are planning to have the consultants Kendig Keast Collaborative present an Introduction to the Project to City Council and use that as an opportunity to go over the project goals and explain their approach to the project. They will discuss what topics might be reviewed and why people should care because it affects not only how our community looks but also how it functions. It affects where businesses

can be located, what kind of home businesses can be offered out of peoples' dwellings. Many aspects of how we live our lives and do things in our community are impacted or are regulated by the Zoning Ordinance. I ask that you all make time to watch the presentation to City Council, either live or the recorded video, before our next Planning Commission meeting on September 9. We plan to have Kendig Keast staff participate in the September 9 Planning Commission meeting for discussion and to answer any questions you have.

Commissioner Finnegan said that before we adjourn, I would like to bring to your attention an article in the Journal of the American Planning Association, Volume 86, about single family zoning. I will send that along to staff and planning commissioners.

Chair Colman said that the article that was sent to the Planning Commission regarding housing for the homeless and tiny homes was interesting. It seems that is meeting the needs somewhere. The article was interesting.

The meeting adjourned at 8:17 p.m.

Gil Colman, Chair

Nyrma Soffel, Secretary